APPEAL NO. 021357
FILED JULY 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on April 25, 2002. The hearing officer resolved the disputed issues by determining that the appellant/cross-respondent (claimant) did sustain a work-related injury on _____; that the claimant did not timely report the injury to her employer and, consequently, the injury is not compensable; that by utilizing her group health insurance policy, the claimant did not make an election of remedies; and that the claimant did not have disability. On appeal, the claimant expresses disagreement with the timely notice determination and, presumably, its resulting effect on the compensability determination. The respondent/cross-appellant (carrier) appeals the findings that the claimant sustained a foot injury.

DECISION

Affirmed.

Section 409.001 requires that an employee, or a person acting on the employee's behalf, shall notify the employer of an injury not later than the 30th day after the date on which the injury occurs. Failure to do so, absent a showing of good cause or actual knowledge of the injury by the employer, relieves the carrier and employer of liability for the payment of benefits for the injury. Section 409.002. The hearing officer, after considering all of the conflicting evidence, found that the claimant did not notify the employer of the work-related injury until _____. Determining when notice is given is a question of fact for the hearing officer to decide. Likewise, weighing the conflicting evidence on occurrence of an injury is the task of the fact finder.

It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds to reverse the decision of the hearing officer on any appealed points.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.

_____
Susan M. Kelley
Appeals Judge

CONCUR:

_____
Judy L. S. Barnes
Appeals Judge

_____
Elaine M. Chaney
Appeals Judge